

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

TONY TERRELL BUNTON

PLAINTIFF

V.

NO. 3:09CV080-M-S

LEPHER JENKINS, et al.

DEFENDANTS

**ORDER OVERRULING OBJECTIONS and ADOPTING
REPORT AND RECOMMENDATION**

The plaintiff, an inmate, brings this *pro se* complaint pursuant to 42 U.S.C. § 1983. The defendants as well as the plaintiff have filed opposing motions for summary judgment. On July 11, 2011, the Magistrate Judge submitted a Report recommending that the defendants' motion for summary judgment be granted in part. The Report concluded that the plaintiff's motion for summary judgment should be denied.

The plaintiff has filed his objections to the Magistrate Judge's recommendations. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

THEREFORE, it is hereby ORDERED that

(1) the plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation (docket entry 75) is APPROVED and ADOPTED as the opinion of this court;

(3) the defendants' motion for summary judgement (docket entry 69) is GRANTED IN PART as to the claim for inadequate medical treatment after exposure to gas or fumes, and as to the defendants Lepher Jenkins, Willie M. Williams and Jessie Streeter who are DISMISSED;

(4) the defendants' motion for summary judgment is DENIED in all other respects;

(5) the plaintiff's motion for summary judgment (docket entry 67) is DENIED;

(6) remaining are the claims regarding (a) general conditions of confinement related to exposure to fumes or gas and (b) denial of medical treatment related to a fifteen month period when the plaintiff did not receive hypertension medication; and defendants Bosomtwe, Ray, Kpabitey, Kirk and Campbell.

SO ORDERED, this the 9th day of September, 2011.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI